efit, etc. Ins. Co. v. *Martin*, 108 Ky. 11, 18, 55 S. W. 694, 696; *Sensenderfer* v. *Pacific, etc. Ins. Co.*, 19 Fed. 68, 69. And, likewise, as in the principal case, an unusual family longevity might rebut the first basic inference. But the use of the mortality tables does not explain away anything; it is rather a substitution of another presumption in which the period varies with the age of the alleged deceased. This is a more scientific application of the inference of death from old age, but it loses sight of the inference from non-communication. It is submitted that this latter is a constant, equally applicable to young and old, and hence that the actuarial tables should be applied only to shorten the period of seven years. Furthermore, the claim of the petitioners is not based merely on the fact that Thomas survived William, but necessarily also that William is now dead. If these claims are distinctly separate, the court is correct in claiming that the mortality tables can raise two presumptions: that Thomas lived to 1916, and that Thomas is now dead. But if the burden of proof were that Thomas died between 1916 and the present, that is, if this were one claim, then though the tables show that a majority of fifty-two year olds in 1894 will have survived 1916, but not the present, however only a very small minority will have died between those periods.

PROCESS — MANNER AND EFFECT OF SERVICE — PRIVILEGE OF NON-RESIDENT WITNESS FROM SERVICE AS OFFICER OF A CORPORATION. — An officer of a corporation was served with process in a county through which he was traveling, in order to serve as a witness, in obedience to a subpœna. A statute provides that "a witness shall not be liable to be sued in a county in which he does not reside, by being served with a summons in such county, while going, returning or attending, in obedience to a subpœna." OKLAHOMA REV. LAWS, 1910, § 5064. *Held*, that the service did not give jurisdiction of the corporation. *Commonwealth Cotton Oil Co.* v. *Hudson*, 161 Pac. 535 (Okla.).

The statute relates only to the question of venue, and does not mention the rights of a corporation. See *Linn* v. *Hagan's Adm'x*, 121 Ky. 627, 628, 87 S. W. 1101. But by common law witnesses are privileged from service of process. *Hicks* v. *Besuchet*, 7 N. D. 429, 75 N. W. 793; *Letherby* v. *Shaver*, 73 Mich. 500, 41 N. W. 677. See *Lamkin* v. *Starkey*, 7 Hun (N. Y.) 479. See also TIDD, PRACTICE, 195; ALDERSON, JUDICIAL WRIT AND PROCESS, § 120; 23 HARV. L. REV. 474. This applies even where the witness attends the trial voluntarily. *Chittenden* v. *Carter*, 82 Conn. 585, 74 Atl. 884. If this privilege were in the nature of a reward for the witness's services, it might be arguable that it extended only to his personal capacity; but if it is considered a privilege of the court, it ought to cover the witness's official capacity as well. Authority supports this latter view. See *Parker* v. *Marco*, 136 N. Y. 585, 589, 32 N. E. 989. *Cf. Holyoke, etc. Ice Co.* v. *Amsden*, 55 Fed. 593. So, as the purpose of the privilege is to expedite the administration of justice, and as public policy demands that witnesses shall feel free to attend trials without being subject to service of process, it has even been held that service of process upon a witness constitutes contempt of court. *Bridges* v. *Sheldon*, 7 Fed. 17; *In re Healey*, 53 Vt. 694. It follows that the decision in the principal case is sound, and it is supported by the authorities. *Sewanee, etc. Co.* v. *Williams*, 120 Tenn. 339, 107 S. W. 968. *Cf. Mulhearn* v. *Press Publishing Co.*, 53 N. J. L. 150, 20 Atl. 760. But see *Currie Fertilizer Co.* v. *Krish*, 74 S. W. 268, 269 (Ky.).

TRADE SECRETS — LIST OF CUSTOMERS: USE BY FORMER EMPLOYEE. — The plaintiff was engaged in the business of supplying towels and aprons to factories and offices. The defendants were former employees. Plaintiff seeks to restrain them from soliciting for themselves the custom of those whom they had served while in his employ. *Held*, that he is not entitled to an injunction *pendente lite*. *New York Towel Supply Co., Inc.* v. *Lally*, 162 N. Y. Supp. 247 (Sup. Ct., King's Cty.).